

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6041**

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THERESA MARIE WASHINGTON,

Petitioner - Appellant,

versus

PATRICIA L. HUFFMAN, Warden, F.C.C.W.;  
VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CA-02-152-3)

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Submitted: February 20, 2003                      Decided: February 28, 2003

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Before LUTTIG, MOTZ, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Theresa Marie Washington, Appellant Pro Se. Michael Thomas Judge, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Theresa Marie Washington, a state prisoner, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on her petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). When, as here, a district court dismisses a § 2254 petition solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir.) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 534 U.S. 941 (2001). We have reviewed the record and conclude for the reasons stated by the district court that Washington has not made the requisite showing. See Washington v. Huffman, No. CA-02-152-3 (E.D. Va. Nov. 19, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before the court and argument would not aid the decisional process.

DISMISSED